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*Attorneys for Defendants
Defendants Visa Inc., Ryan McInerney,
Chris Suh, Vasant Prabhu, Alfred F. Kelly, Jr.,
Peter Andreski, Oliver Jenkyn, and Jack Forestell*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

BEIBEI CAI, Individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

VISA INC, RYAN MCINERNEY, CHRIS
SUH, VASANT PRABHU, ALFRED F.
KELLY, JR., PETER ANDRESKI, OLIVER
JENKYN, and JACK FORESTELL,

Defendants.

Case No. 5:24-cv-08220-NW

**DECLARATION OF MARK R.S. FOSTER
IN SUPPORT OF DEFENDANTS'
MOTION TO STRIKE PORTIONS OF
AMENDED CLASS ACTION
COMPLAINT FOR VIOLATIONS OF THE
FEDERAL SECURITIES LAWS**

Date: December 17, 2025
Time: 9:00 a.m.
Court: Courtroom 3, 5th Floor
Judge: Hon. Noël Wise

1 I, Mark R.S Foster, hereby declare as follows:

2 I am an attorney admitted to practice before the courts of the State of California and am a member
3 of the bar of this Court. I am a partner at the law firm Skadden, Arps, Slate, Meagher & Flom LLP,
4 which is counsel of record for Defendants Visa Inc, Ryan McInerney, Chris Suh, Vasant Prabhu,
5 Alfred F. Kelly, Jr., Peter Andreski, Oliver Jenkyn, and Jack Forestell in the above-captioned
6 matter. The information contained in this declaration is based on my own personal knowledge, and
7 if called upon to do so, I could and would testify competently thereto. Pursuant to Civil Local
8 Rules 7-2 and 7-5, I submit this declaration in support of the accompanying Motion to Strike
9 Portions of the Amended Class Action Complaint for Violation of the Federal Securities Laws (the
10 “Motion to Strike”).

11 1. Attached to this declaration as Exhibit A is a true and correct copy of the complaint
12 filed by the Department of Justice in the matter captioned *United States v. Visa Inc.*, No.
13 1:24CV07214 (S.D.N.Y.) (the “DOJ Complaint”). Plaintiffs incorporate the DOJ Complaint by
14 reference in ¶ 78 of the Amended Class Action Complaint.

15 2. I declare under penalty of perjury under the laws of the United States of America
16 that the foregoing is true and correct.

17 Executed on September 12, 2025, in Palo Alto, California.

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By: /s/ Mark R.S. Foster
MARK R.S. FOSTER

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